

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

RODNEY WILLIAMSON,

Plaintiff,

Case No. 13-cv-11066

v

Honorable Thomas L. Ludington
Magistrate Judge Steve Whalen

RONDALL HASS, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION
FOR EMERGENCY PRELIMINARY INJUNCTION**

On October 3, 2013, Plaintiff Rodney Williamson filed a motion for Emergency Preliminary Injunction and Temporary Restraining Order. In his motion, Williamson, who suffers from diabetes, alleges that he has been denied a therapeutic diabetic diet, medical shoes and eye examinations, and educational programs regarding diabetes management.

On February 12, 2014, Magistrate Judge Steven Whalen issued a report recommending that Williamson's motion for preliminary injunction be denied with respect to Williamson's request for a therapeutic diabetic diet, medical shoes, and eye examinations. However, with respect to Williamson's request for educational programs, Magistrate Judge Whalen requested supplemental briefs. This Court adopted the report and recommendation on March 11, 2014.

On April 25, 2014, Magistrate Judge Whalen issued a report recommending that Williamson's request for educational programs be denied. First noting that Williamson had not responded to the request for supplemental briefs, Magistrate Judge Whalen explained that Williamson had been provided with several opportunities for diabetes education—in direct contradiction to Williamson's assertions. According to an affidavit by the Michigan Department

of Corrections' Registered Dietician, Williamson had received Diabetes Self-Management Training on July 20, 2010; July 22, 2010; July 30, 2010; July 27, 2011; August 9, 2011; and August 26, 2011. Because Williamson did not offer any evidence to rebut this affidavit, Magistrate Judge Whalen recommended denying Williamson's motion for a preliminary injunction.

Although the Magistrate Judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, neither Plaintiff nor Defendant filed any objections. The election not to file objections to the Magistrate Judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The failure to file objections to the report and recommendation waives any further right to appeal.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 67) is **ADOPTED**.

It is further **ORDERED** that Plaintiff's Motion for Emergency Preliminary Injunction (ECF No. 23) is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 14, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Rodney Williamson #186967 at Chippewa Correctional Facility, Central Complex, 4269 W. M-80, Kincheloe, MI 49784 by first class U.S. mail on May 14, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS